

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KENNETH WYNIEMKO,

CASE NO. 03-CV-74749-DT  
HON. LAWRENCE P. ZATKOFF

Plaintiff,

vs.

THOMAS J. OSTIN, BART M. MARLATT,  
ALEXANDER C. ERNST and TOWNSHIP  
OF CLINTON,

Defendants.

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**ORDER**

The Court is in receipt of the “Stipulation for Dismissal with Prejudice” and “Order for Dismissal with Prejudice” prepared by the parties and submitted by an attorney for one or more of the defendants. The cover letter accompanying those documents requests that the Order be presented to the undersigned “for his review, signature and entry.”

The Court has reviewed the documents but has not and will not sign the Order at this time. The Court finds the Stipulation and proposed Order deficient for a number of reasons. Specifically, the Court finds (a) the Stipulation has not been signed by all attorneys of record in this case (i.e., Peter Peacock, appearing on behalf of Alexander C. Ernst, has not signed the Stipulation), (b) there are numerous attorneys who attended the Final Pre-Trial Conference on March 15, 2005, on behalf of one or more of the parties and/or who have filed documents in this case (i.e., Dean Googasian, on behalf of Kenneth Wyniemko; Beth Andrews and Steve Matta, on behalf of “Defendants”; David Griem, on behalf of Thomas J. Ostin; Kevin Shepherd, on behalf of Bart M. Marlatt; and Jack Dolan and Chuck Towner, on behalf of Clinton Township) who have not filed an appearance or signed the Stipulation, and (c) information requested by the Court as a condition to the Order being signed has not been provided to the Court.

Accordingly, the Court hereby ORDERS THAT ALL COUNSEL THAT HAVE FILED AN APPEARANCE IN THIS CASE OR HAVE APPEARED BEFORE THIS COURT AT ANY TIME ON THIS MATTER:

- (1) PRESENT THEMSELVES TO THE COURT ON NOVEMBER 29, 2005, AT 9:30 A.M.; AND
- (2) SHOW CAUSE WHY THE "ORDER FOR DISMISSAL WITH PREJUDICE" SHOULD BE SIGNED BY THIS COURT.

IT IS FURTHER ORDERED that it shall be the responsibility of the Plaintiff counsel of record to notify any other Plaintiff counsel of the date, time and purpose of the aforementioned hearing, including providing such counsel with a copy of this Order.

IT IS FURTHER ORDERED that it shall be the responsibility of the counsel of the Defendant(s) on record to notify any other counsel for the defendant(s) of the date, time and purpose of the aforementioned hearing, including providing such counsel with a copy of this Order.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: November 4, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 4, 2005.

s/Marie E. Verlinde

Case Manager  
(810) 984-3290